

Select Board Meeting Minutes
November 16, 2021
Via GoToMeeting platform

Select Board Present: Chair-Robert Weinstein, Vice Chair-Kristen Reed, Clerk-Susan Areson, Member-John Dundas, Member-Stephanie Rein

Others Present: Town Manager-Darrin Tangeman, Assistant Town Manager-Kelly Clark, DPW Director-Jarrold Cabral, Town Planner-Barbara Carboni, Health/Conservation Agent- Emily Beebe, Joan Holt, Planning Board Chair-Anne Greenbaum, Board of Health Chair-Tracey Rose, Finance Committee Chair-Robert Panessiti, Commission on Disability Chair-Susan Howe, Chris Lucy, Claudia Boespflug, Jack Riemer, Maggie Downey with Cape Light Compact, Fred Gaechter, Conservation Commission Chair-Carol Girard-Irwin

Chair Weinstein called the meeting to order at 5:00 pm.

Public Comment

Joan Holt read a letter regarding filling Town committee vacancies and issues which occurred with one applicant recently. She urged the Select Board to reconsider the applicant's application.

Anne Greenbaum expressed concerns about how the Select Board conducted the interview and voted on Mr. Crocker's application to serve as an alternate on the Zoning Board of Appeals. Ms. Greenbaum suggested placing the following on a future Select Board agenda; the topic of improving the interview process for appointed Boards, Committees, and Commissions.

Robert Panessiti wished to remind people that appointment to the Zoning Board of Appeals is protected by statute to be an appointment process by the Select Board. It is important that the Select Board appoint certain regulatory bodies that follow and adhere to their governance and philosophy of running the Town. If they feel a candidate is not philosophically aligned with the Select Board, that's why the statute exists.

Susan Howe stated that although she understands what Mr. Panessiti said, she believes Mrs. Holt and Ms. Greenbaum were correct. She feels what's most important about this process is to be civil and inclusive rather than exclusive.

Member Areson read a letter as a private citizen. She stated the interview process was seriously flawed, and she wants the Select Board to do a better job in its interview and appointment process. (Her letter will be included with the minutes of this meeting).

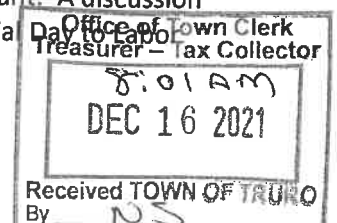
Chris Lucy mentioned that he'd applied for a position on the Zoning Board of Appeals years ago, and a particular person had applied simply to oppose him. The other applicant then convinced the Select Board not to appoint Mr. Lucy based upon his opinion on what the Town would look like. He feels it's interesting that a person's opinion doesn't matter now, but it did then. He also added that the person who took the time to apply to the position to oppose him and took the time to explain why he shouldn't be appointed as one of the previous speakers.

Public Hearings

Public Hearing for Babe's Bakery, Inc., 65 Shore Road, Truro, MA

Chair Weinstein read the legal advertisement.

Ms. Boespflug spoke about her application for a Common Victualler license. Chair Weinstein asked that she speak to her intent with the continuation of this license. Ms. Boespflug explained that she has always kept her license current in case the right person came along to run the restaurant. A discussion was held regarding the last time Babe's Bakery operated a traditional season (Memorial Day to Labor Day).



Day). It was determined that the last time Babe's Bakery operated in that manner was about 15 years ago.

Member Areson asked if Ms. Boespflug had any prospects or was actively seeking prospects for the restaurant. She stated that she did not have any prospects. Member Areson hopes Ms. Boespflug would actively recruit somebody to run the restaurant who might be able to get started earlier in the year with the license application process.

Member Dundas asked if the impact over the past two years with Covid hampered her ability to do some of the things she wished to do with the restaurant and whether she could assess the future given the current conditions in the industry. Ms. Boespflug stated that it's very difficult, and people worldwide have changed their professions.

A short discussion was held regarding the upgrade dates of the septic system.

Ms. Boespflug stated that she was unaware of the effective date to upgrade her septic system. BOH Chair Rose said that the Board of Health, pre-Covid, had the applicant attend several meetings due to their concerns about the cesspool on the property. The Board of Health is frustrated by not seeing a plan of action by the applicant that has already been talked about for a few years in the past.

Member Rein asked what had transpired between 15 years ago, when the restaurant operated for a full season and now. Has Ms. Boespflug made a best faith effort to have people in the restaurant operate a full season. Ms. Boespflug stated that there was no summer the restaurant was not open. However, it was not open for a full season.

Chair Weinstein opened the discussion up to the general public.

As a member of the Truro Historical Society, Susan Howe finds the discussion interesting. Babe's Bakery has historical relevance. Ms. Howe addressed Ms. Boespflug, stating that there must be ways to talk to organizations that will help small businesses. She mentioned the Community Development Partnership for grants, the Chamber of Commerce, and she also stated there are loans to help improve the septic system.

Anne Greenbaum asked, ideally, what would Ms. Boespflug like to have happened? Ms. Boespflug responded that she'd like to find the right pastry chef to open a bakery.

Jack Riemer feels the applicant is at a disadvantage because she represents herself. He thinks any action should be tabled until she has the opportunity to discuss what has happened tonight with a legal representative. Member Reed stated that the item on the agenda had already been delayed, and the applicant had ample time to get legal counsel.

Land Use Counsel/Planner Carboni addressed the Board on their options.

- Although the season has passed, the Board can renew the license, regardless of evidence of the restaurant not being open in previous years.
- The Board can renew the license and impose conditions.
- The Board can deny the license. If the Board denies the license, she would want them to make some findings in the record to support the denial.

She recommends that the Board renew the license with reasonable conditions about future operations. Reasonable conditions can be dates and hours to be open. Member Reed would like to know who would monitor to ensure the conditions were being met. Health and Building Departments were mentioned, as they can conduct inspections. A discussion was held regarding the placement of conditions, inspection frequency, and the ability to inspect through the Health Agent.

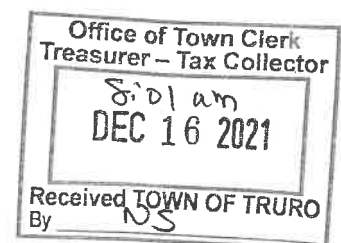
Member Reed made a motion to close the public hearing.

Member Areson seconded.

Roll Call Vote:

Member Rein-Aye

Member Dundas-Aye



Member Areson-Aye

Member Reed-Aye

Chair Weinstein-Aye

So voted; 5-0-0, motion carries.

Member Areson stated that the applicant has a long road ahead. She suggested renewing the license with conditions. The Board is trying to promote economic development. She has no problem renewing the license for 2021 and giving the applicant the time to pull together something early in 2022 so that the restaurant can remain open. If that doesn't happen, they have the option of not renewing the license come 2022.

Member Dundas echoes Member Areson's conditional approval.

Member Rein feels that there's a lack of clarity. The only way she'd support a renewal would be with very strict guidelines, including an 8-week minimum of being open for business.

Having listened to the owner, Chair Weinstein in good faith cannot vote to renew the license. Placing conditions upon the renewal places unnecessary policing burdens on various aspects of Town staff. He would enter the testimony of the owner as the primary evidence for denial. The owner has admitted her efforts to try and secure a professional to run the business and to staff the business and has been unsuccessful.

Member Reed made a motion to approve the Babe's Bakery Inc. Common Victualler license for 2021.

Member Areson seconded.

Roll Call Vote:

Member Areson-Aye

Member Dundas-Aye

Member Reed-Nay

Member Rein-Nay

Chair Weinstein-Nay

So voted; 2-3-0, motion does not carry.

Board/Committee/Commission Appointments-None

Staff/Committee Updates-None

Tabled Items-None

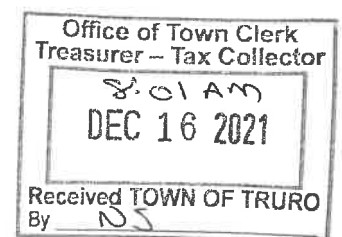
Select Board Action

Cape Light Compact Update on Programs

Maggie Downey is the administrator of the Cape Light Compact. She is here to give the Board an update on Cape Light Compact services, and also on a climate act which was recently signed into law and how that relates to the Cape Light Compact. She proceeded to give a high-level overview.

Truro Conservation Trust Walking Trail System Proposal for the High Head Conservation Area

Mr. Gaechter gave an overview of the Truro Conservation Trust's plan for this property. Management of trash was also discussed. Conservation Commission Chair, Carol Girard-Irwin, confirmed the Commission's approval of the plan at their November 1, 2021, meeting.



Consent Agenda

- A. Review/Approve and Authorize Signature:
 - 1. Entertainment Application – Truro Vineyards of Cape Cod
- B. Review and Approve Appointment Renewals:
- C. Review and Approve Annual Alcohol License Renewals: Montano's Restaurant, Truro Vineyards of Cape Cod, Chequessett Chocolate, and Pamet Valley Liquors
- D. Review and Approve the 2022 ABCC Renewal Certification Form
- E. Review and Approve Select Board Minutes: Select Board Work Session-9/23/21, Select Board Regular Meeting-10/12/2021, Select Board Regular Meeting-10/26/2021

Member Areson wished to point out that when voting on the Consent Agenda, she would not be voting on the minutes of 10.12.2021. She also had some minor edits to minutes.

Member Reed wished to recuse herself from the voting on the license for Chequessett Chocolate.

Member Reed made a motion to approve the Consent Agenda with Member Areson's changes and Member Reed's recusal.

Member Rein seconded.

Roll Call Vote:

Member Rein-Aye

Member Reed-Aye

Member Areson-Aye

Member Dundas-Aye

Chair Weinstein-Aye

So voted; 5-0-0, motion carries.

Select Board Reports/Comments

Member Dundas has a concern of inflation and what that means as the Town heads into the budget cycle. He will submit a draft letter to memorialize thoughts the Board might have. He also addressed how he evaluates people applying to serve on a committee, Board, or commission.

Member Reed pointed out two items posted on the Town of Truro website:

- She urged people to take the Talk to us Truro survey.
- Covid PCR testing post, where people can get information on testing sites, days, and times.

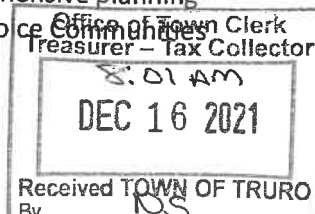
Member Areson has submitted to Town Manager Tangeman and Assistant Town Manager Clark the edited version of the Hybrid Meeting Policy. She'd be happy to work with them on it further, or place on an upcoming agenda. The Community Preservation Committee met and she's happy to report that they received 9 full grants and 4 in the mini-grant program they're offering. They will hold a public hearing in December for all applicants and a public hearing for the public in January.

Member Rein thanked Town staff for handling the storm efficiently. She thanked Chief Collins for driving around with a line crew to help with downed lines.

Chair Weinstein brought to everyone's attention the presentation by Cape Light Compact and the availability of their programs as people fall within the median State income. He hopes that people who may have been hesitant will now explore the offerings to take advantage of the programs.

Town Manager Report

Town Manager Tangeman stated the Town currently has 516 submissions for the Town survey on the Local Comprehensive Plan and the Walsh Property Planning Committee. He also wished to congratulate Assistant Town Manager Clark and Town Planner Carboni on being awarded a Rural and Small-Town grant in the amount of \$75,000. That grant money will go to expand the local comprehensive planning process. Another grant was received in the amount of \$305,000 from the Housing Choice Voucher program.



which will go towards the new I/A system for the Cloverleaf. He also noted that a number of job opportunities are closing tomorrow.

Next Meeting Agenda: Regular Meeting-December 7, 2021

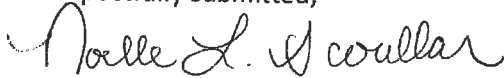
Town Manager Tangeman reviewed the agenda for 12.7.2021.

Member Reed made a motion to adjourn at 7:56pm.

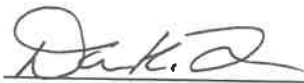
Member Dundas seconded.

So voted; 5-0-0, motion carries.

Respectfully submitted,



Noelle L. Scoullar



Darrin Tangeman, Town Manager

Under the Authority of the Truro Select Board

Public Records material of 11.16.2021

1. Letter submitted by Susan Areson
2. Renewal Application-Babe's Bakery Inc.
3. Property Record Card-65 Shore Road
4. Copy of Public Hearing Ad-Babe's Bakery Inc.
5. Cape Light Compact Presentation
6. High Head Trail Proposal, 2021, Truro Conservation Trust
7. High Head Trails overlay map
8. One Day Entertainment Application-Truro Vineyards
9. 2021 Annual Alcohol ABCC Applications (Pamet Valley Package; Montano's Restaurant; Truro Vineyards; FarmMaid Foods
10. Chief of Police Approval Memo
11. Annual Alcohol Beverages Control Commission Renewal Certification 2022
12. Select Board Work Session Minutes of 9.23.2021
13. Select Board Regular Meeting Minutes of 10.12.2021
14. Select Board Regular Meeting Minutes of 10.26.2021

